

Chesapeake Bay Exception CBE-11-032: 4392 Landfall Drive, Landfall

Staff report for the October 13, 2010 Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Stuart Usher

Land Owner: Vasudev and Angelina Ananthram
4392 Landfall Drive
Williamsburg, VA 23185

Location: 4392 Landfall Drive
PIN: 4732400083

Parcel Size/Zoning: 0.56 +/- acres, R2 General Residential
Percent of Parcel in RPA: 61% (0.34 +/- acres)

Watershed: Powhatan Creek (HUC - JL31)

Proposed Impacts

Impervious Area: approximately 668 square feet

RPA Encroachment: Landward and seaward 50 foot RPA Buffer

Brief Summary and Description of Activities

Mr. Stuart Usher, on behalf of Mr. and Mrs. Ananthram, has applied for an exception to the Chesapeake Bay Ordinance for the encroachment into the RPA buffer for a patio. There is also a conservation easement overtop of the RPA on this property.

The proposal will add approximately 668 square feet of impervious cover in the RPA buffer. The proposal will not remove any trees within the RPA for the construction of the patio and rain garden. This proposal will extend the outdoor functionality of the backyard onto a two-tiered patio with a fire pit. Proposed mitigation measures of 13 understory trees does not meet the County requirement based on the proposed impervious cover. However, there are areas of undesignated planting areas within the RPA.

The lot was recorded between 1990 and 2004, between the original and revised adoptions of the Chesapeake Bay Preservation Ordinance. In this case, the exception request is for the placement of a patio, firepit, rain garden and minor drainage outfall, which will encroach into the RPA buffer. Therefore in accordance with section 23-14 of the Ordinance, an exception must be processed by the Chesapeake Bay Board after a public hearing. Furthermore, staff finds that the application has met the conditions in

the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

Staff has worked with the property owner in the recent past and approved the following administratively: sight line (June 2010), staircase for water access (March 2010), and a buffer modification (June 2008).

Staff Recommendation

Staff has fully reviewed the application and exception request, including the WQIA, and has determined impacts associated with the proposal to be minimal for the proposed construction and that the proposed mitigation measures exceed requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary local permits as required for the project.
2. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and with the proposed shrubs being of three gallon size.
3. A pre-construction meeting shall be held on-site prior to work commencing.
4. A RPA mitigation plan with 2 canopy trees, 4 understory trees and 6 shrubs shall be submitted and approved by the Environmental Division. Shrubs may be substituted for canopy trees at a 3:1 ratio or understory trees at a 2:1 ratio. Understory trees may be substituted for canopy trees at a 2:1 ratio.
5. Full implementation of the RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) d. and 23-17(c) by providing a form of surety satisfactory to the County Attorney. Surety in this case is \$1000.00.
6. All underdrains shall outlet at the edge of wetlands, not on steep slopes.
7. This exception request approval shall become null and void if construction has not been completed by October 13, 2011 including the required mitigation plantings.
8. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-11-032 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-11-032 are included for the Board's use and decision.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments: Sensitive Area Activity Application
GIS photo